

ROSEN, LIVINGSTON & CHOLST LLP

Peter I. Livingston, Esq.

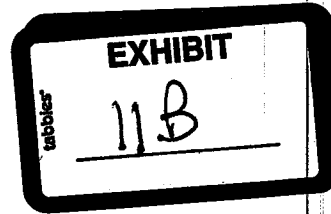
Deborah B. Koplovitz, Esq.

275 Madison Avenue

New York, New York 10016

Telephone: (212) 687-7770

Telefax: (212) 687-8030



Attorneys for Purported Garnishees

Assa Corp. and Assa Limited s/h/a Assa Company
Limited

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

EDWENA R. HEGNA, Executrix of the Estate of
Charles Hegna, Late of Sterling, Virginia,
individually, and STEVEN A. HEGNA, CRAIG M.
HEGNA, LYNN MARIE HEGNA MOORE, and
PAUL B. HEGNA,

Plaintiffs,

-v-

ISLAMIC REPUBLIC OF IRAN

and

THE IRANIAN MINISTRY OF INFORMATION
AND SECURITY,

Defendants.

Case No. 18 MS 0302
(Judgment No. 02-2472)

Judge Richard J. Holwell

NOTICE OF CROSS-MOTION

PLEASE TAKE NOTICE that upon the annexed Memorandum of Law dated July 8, 2009, and upon the declaration of Peter I. Livingston, dated July 8, 2009 and upon the Order to Show Cause herein, purported garnishees, Assa Corp. and Assa Limited s/h/a Assa Company Limited, will move this Court before Honorable Richard J. Holwell, at the United States District Courthouse, located at 500 Pearl Street, New York, New York, at a date and time to be determined by this Court, for an order pursuant to FRCP 69 and New York's CPLR 5240:

- Quashing Plaintiffs' writs of execution; and

- Quashing Plaintiffs' writs of attachment; and
- Releasing Assa Corp.'s and Assa Limited s/h/a Assa Company Limited's property from any purported levy by Plaintiffs, and
- Enjoining the Plaintiffs' from issuing future writs against Assa Corp.'s and Assa Limited s/h/a Assa Company Limited's property; and
- Enjoining the Plaintiffs' from seeking to execute on punitive damages against Assa Corp. and Assa Limited s/h/a Assa Company Limited; and
- For such other and further relief as this Court deems just and equitable under the circumstances.

Dated: New York, New York
July 8, 2009



Peter I. Livingston
Deborah B. Koplovitz
ROSEN LIVINGSTON & CHOLST LLP
275 Madison Avenue, Suite 500
New York, New York 10016
pil@rosenlivingston.com
dk@rosenlivingston.com
Tel (212) 687 - 7770
Fax (212) 687-8030

Thomas G. Corcoran, Jr.
Laina Lopez
BERLINER, CORCORAN & ROWE, L.L.P.
1101 Seventeenth Street, N.W.
Suite 1100
Washington, D.C. 20036
tgc@bcr-dc.com
lcl@bcr-dc.com
Tel. (202) 293-5555
Fax (202) 293-9035
Attorneys for Assa Corp. and Assa Limited s/h/a
Assa Company Limited

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

EDWENA R. HEGNA, Executrix of the Estate of
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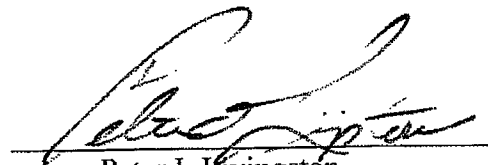
**DECLARATION IN SUPPORT
OF CROSS MOTION AND IN
OPPOSITION TO
PLAINTIFFS' ORDER TO
SHOW CAUSE**

Peter I. Livingston, swears the following under the penalties of perjury and
pursuant to 28 U.S.C. § 1746:

1. I am a partner of the law firm of Rosen Livingston & Cholst LLP, attorney for
purported garnishees, Assa Corp. and Assa Limited s/h/a Assa Company Limited.
2. This declaration is submitted in support of Assa Corp. and Assa Limited's ("Cross-
Movants") cross-motion for an order pursuant to FRCP 69 and New York's CPLR 5240
quashing the Plaintiffs' writs, releasing the Cross-Movants' property from any purported
levy, and enjoining the Plaintiffs from issuing further writs against Cross-Movants, and
enjoining Plaintiffs from seeking to execute on that portion of their default judgment
which is for punitive damages, and in opposition to the Plaintiffs' Order to Show Cause,
seeking a turn over order for the sale of real property located at 650 Fifth Avenue, New
York, New York and of certain bank accounts held in the name of Assa Corp. with
various banking institutions.

3. Assa Corp. is a valid, New York State Corporation. Attached hereto as Exhibit "A" is a copy the New York State Department of State entity information page with respect to Assa Corp., indicating that it is an active New York State Corporation, formed on or about July 17, 1989.
4. Assa Limited, s/h/a as Assa Company Limited is a valid Limited Liability Company formed pursuant to the laws of the Bailiwick of Jersey. Attached hereto as Exhibit "B" is a copy of the decree of the Royal Court of Jersey, which ordered that Assa Limited be entered in Jersey's Register of Limited Liability Companies on or about June 26, 1989.
5. As set forth in the accompanying memorandum of law, the Foreign Sovereign Immunities Act at 28 U.S.C. § 1603 (b) specifically excludes both Assa Corp. and Assa Limited s/h/a Assa Company Limited from the definition of "agency or instrumentality of a foreign state" and Plaintiffs cannot seek to enforce their judgment against Iran by way of either Assa Corp. or Assa Limited.
6. It is respectfully requested that this Court deny the relief requested in the Plaintiffs' Order to Show Cause and grant the cross-motion for the reasons stated in the accompanying memorandum of law.
7. No prior request for the instant relief has been made.

Dated: July 8, 2009
New York, New York



Peter I. Livingston

NYS Department of State

Division of Corporations

Entity Information

Selected Entity Name: ASSA CORP.

Selected Entity Status Information

Current Entity Name: ASSA CORP.

Initial DOS Filing Date: JULY 17, 1989

County: NEW YORK

Jurisdiction: NEW YORK

Entity Type: DOMESTIC BUSINESS CORPORATION

Current Entity Status: ACTIVE

Selected Entity Address Information

DOS Process (Address to which DOS will mail process if accepted on behalf of the entity)

ROSEN & LIVINGSTON

275 MADISON AVE

5TH FL

NEW YORK, NEW YORK, 10016-1101

Chairman or Chief Executive Officer

MOHAMMED H DEGHANI TAFTI

24 YONKERS AVE

TUCKAHOE, NEW YORK, 10707

Principal Executive Office

ASSA CORP.

C/O ROSEN & LIVINGSTON

275 MADISON AVE STE 500

NEW YORK, NEW YORK, 10016

Registered Agent

NONE

This office does not require or maintain
information regarding the names and addresses of
officers, shareholders or directors of a corporation.

***Stock Information**

# of Shares	Type of Stock	\$ Value per Share
200	No Par Value	

*Stock information is applicable to domestic business corporations.

Name History

Filing Date	Name Type	Entity Name
JUL 17, 1989	Actual	ASSA CORP.

A **Fictitious** name must be used when the **Actual** name of a foreign entity is unavailable for use in New York State. The entity must use the fictitious name when conducting its activities or business in New York State.

NOTE: New York State does not issue organizational identification numbers.

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[Division of Corporations, State Records and UCC Home Page](#) [NYS Department of State Home Page](#)

44538

In the Royal Court of Jersey

In the year one thousand nine hundred and eighty nine
the twenty sixth day of June

Before the Judicial Greffier

Limited
Liability
Companies

On the application of the persons whose names appear
on the subscribers' page to the Memorandum annexed
hereto such persons being the founder members of a
limited liability company named

ASSA LIMITED

the Court has ordered the registration in the Register of
Limited Liability Companies of the Memorandum and
Articles of Association of the said company; the
applicants having complied with the enactments in
force in this Island relating to limited liability companies
and the control of borrowing.

Of which Memorandum and Articles the tenor follows:—

Handwritten signature

[Large diagonal line]

C5/85.



COMPANIES (JERSEY) LAWS, 1861 to 1968.

RC 44538

WE

• CLAUDE PHILIPPE ROBIN
• PETER CHARLES ST. GEORGE
RIVIERA NOMINEES LIMITED

the founder members of the limited liability company named

ASSA LIMITED

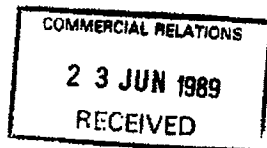
whose names appear on the subscribers page to the Memorandum of Association of the said company, hereby request the learned Court to order the registration of the Memorandum and Articles of Association of the said Company in the Register of limited liability companies of this Island in accordance with the Companies (Jersey) Laws, 1861 to 1968, and state that application is currently being made to the Finance and Economics Committee of the States of Jersey to grant the permission required under the Control of Borrowing (Jersey) Order, 1958, as amended.

Dated the 23rd day of June 19 89.

Office submitting application

St. George Financial Services Limited

Signatures



- Notes:
1. The full names of the founder members may be inserted after* if desired.
 2. Married women should describe themselves by their maiden names followed by "wife of....." and their husband's full names on both the subscribers page and this form when it includes the subscribers names.
 3. This form must be signed either by all the founder members or by an Advocate or Solicitor of the Royal Court of Jersey.

C3/88

RPD

UNITED STATES DISTRICT COURT
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EDWENA R. HEGNA, Executrix of the Estate of
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Plaintiffs,

AFFIDAVIT OF SERVICE

- v -

ISLAMIC REPUBLIC OF IRAN
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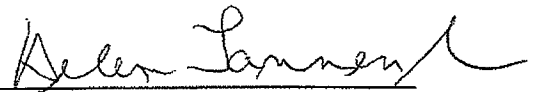
STATE OF NEW YORK)
) ss:
COUNTY OF NEW YORK)

I, Helen Tannenbaum, being duly sworn, depose and say: I am not a party to the action, am over 18 years of age and reside at Queens, New York:

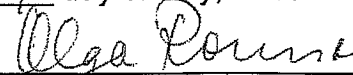
On July 9, 2009, I served the attached NOTICE OF CROSS-MOTION, MEMORANDUM OF CLAIMANTS ASSA CORP. AND ASSA LIMITED S/H/A ASSA COMPANY LIMITED IN SUPPORT OF THEIR MOTION TO DISMISS and ASSA CORP.'S AND ASSA LIMITED S/H/A ASSA COMPANY LIMITED'S MEMORANDUM OF LAW IN OPPOSITION TO PLAINTIFFS' ORDER TO SHOW CAUSE AND IN SUPPORT OF THEIR CROSS-MOTION FOR AN ORDER QUASHING THE WRITS OF ATTACHMENT AND EXECUTION AND OTHER RELIEF by regular mail by depositing a true copy thereof in an official postage paid wrapper marked under the exclusive care and custody of the U.S. Postal Service within New York State, addressed to the following at the last known address set forth below:

The Dupont Law Firm, LLP
1177 High Ridge Road
Stamford, CT 06905
Attn.: Ralph P. Dupont, Esq.
Of Counsel

Daniel S. Ruzumna
Patterson Belknap Webb & Tyler LLP
1133 Avenue of the Americas
New York, NY 10036-6710


Helen Tannenbaum

Sworn to before me this
9th day of July, 2009


Notary Public

OLGA ROUSSANOW
Notary Public State of New York
No. 01RO4765435
Qualified in Queens County
Commission Expires 10/31/2010